

HARNES, DICKEY & PIERCE, P.L.C.

Attorneys and Counselors
5445 Corporate Drive, Suite 400
Troy, Michigan 48098-2683
Phone: 248-641-1600
Fax: 248-641-0270
St. Louis, MO • Washington, D.C.

FAX RECEIVED

JUN 12 2003

GROUP 1600

DATE: June 11, 2003

NO. OF PAGES (INCLUDING THIS PAGE): 11

FOR: Examiner Irene Marx

COMPANY:

FAX NO.: 703.872.9306

PHONE:

ORIGINAL WILL FOLLOW BY:

- ☐ REGULAR MAIL
☐ OVERNIGHT MAIL
☐ COURIER
☐ WILL NOT FOLLOW

FROM: Robert M. Siminski

Please let us know by phone or fax if you do not receive any of these pages.

COMMENTS:


Re: Serial No. 09/773,365
Our Reference: 8920-000005

Dear Ms. Marx,

As a follow up to your telephone message on June 10, 2003, attached is a copy of the Response to the Office Action mailed on February 13, 2003.

If you have any questions I can be reached at (248) 641-1234.

Sincerely,



Robert M. Siminski

***** NOTICE *****

The information contained in this telefax transmission is intended only for the individual to whom or entity to which it is addressed. It may also contain privileged, confidential, attorney work product or trade secret information which is protected by law. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering the message to the addressee, the reader is hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the address above via the U.S. Postal Service. We will reimburse you for any reasonable expense (including postage) for the return of the original message.

PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box → ☒

Approved for use through 10/31/2002. OMB 0651-0081

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/773,365
	Filing Date	January 31, 2001
	First Named Inventor	Khowala et al
	Group Art Unit	1651
	Examiner Name	Irene Marx
Total Number of Pages in This Submission	Attorney Docket Number	8920-000005

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): This Transmittal Form Response to Office Action Copy of Reference Requested by Examiner Return Receipt Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Saul L. Jackson, Reg. No. 52,391 Harnes, Dickey & Pierce, P.L.C.
Signature	<i>Saul L. Jackson</i>
Date	May 2, 2003

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: <i>Commissioner for Patents</i> Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: <u>May 2, 2003</u>			
Typed or printed name	Saul L. Jackson, Reg. No. 52,391		
Signature	<i>Saul L. Jackson</i>	Date	<i>May 2, 2003</i>

Attorney Docket No.: 8920-000005

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Khowala et al. :
Serial No. 09/773,365 : Art Unit: 1651
Filed: January 31, 2001 : Examiner: Irene Marx
For: A METHOD FOR ENHANCING :
CELLOBIASE ACTIVITY OF :
THE NOVEL STRAIN TERMITO- :
MYCES CLYPEATUS USING :
2-DEOXY-D-GLUCOSE AS :
GLYCOSYATION INHIBITOR :

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

In response to the Office Action mailed February 13, 2003, please consider the remarks set forth below.

REMARKS

Claims 3 and 6-12, as amended in previous papers, are pending in the application. Applicants thank Examiner Marx for the courtesies extended in the interview with Applicants' attorney on April 29, 2003.

Applicants request reconsideration and withdrawal of the rejection of claims 3 6-12 under 35 U.S.C. § 103(a) because the P.T.O. has not established a *prima facie* case for obviousness as required under recognized patent practice and procedure as well as by case law. To establish a *prima facie* case for obviousness, the P.T.O. must show that all claim limitations are taught or suggested. M.P.E.P. § 2143.03; *In re Royka*, 180 USPQ 580 (CCPA 1974); *In re Wilson*, 165 USPQ 494, 496 (CCPA 1970) ("All words in a